

REMARKS

Claims 1 - 21 are pending in the application. Claims 1, 2, 4/1, 4/2, 5/4/1, 5/4/2, 20 and 21 are rejected. Claim 2, 17 and 21 have been cancelled. Claims 1, 3-16, and 18 and 20 have been amended. Claims 1, 3-16 and 18-20 remain. Reconsideration of the pending claims is respectfully requested in view of the above amendments and following remarks.

It is asserted in the Office Action that Claims 6-10 and 17-19 are rejected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. In response, Applicant has amended Claims 6-10 and 17-19 to overcome the 37 C.F.R. § 1.75(c) objection as shown above.

Accordingly, withdrawal of the 37 C.F.R. § 1.75(c) objection to Claims 6-10 and 17-19 is respectfully requested.

It is asserted in the Office Action that Claim 20 (should be 21) is rejected under 35 USC 112, second paragraph, as being indefinite. In addition, Claim 3 is rejected under 35 USC 112, second paragraph, as being indefinite. In response, Applicant has cancelled Claim 21 and amended Claim 3 as suggested by the Examiner. Approval is respectfully requested.

Accordingly, withdrawal of the rejection under 35 USC 112, second paragraph, to claims 21 and 3 is respectfully requested.

It is asserted in the Office Action that Claims 1-5, 20 and 21 are rejected under 35 USC 102(b) as being anticipated by Brem, US 6509187. In response, Applicant has amended Claim 1 by incorporating the limitations of Claim 2 which has been cancelled with further limitations as noted below. Furthermore, Claim 20 has also been amended in line with the restrictions applied to Claim 1. Claim 21 has been cancelled. In addition to the subject matter of Claim 2 added to currently amended Claim 1, Applicant has added the further limitation that the holder is a

“storage” holder. The interpretation that the Examiner has applied to Brem, where the so-called “holder” is said by the Examiner to be the applicator tool becomes moot by the restriction of the holder to a “storage holder”. Further, Applicant believes that the Examiner’s contention that the identification device and storage device can be mounted to pliers “prior to use” is not an accurate interpretation of Brem. If one has fitted an identification device to pliers, then this is actual use of the identification device as one only loads the identification device to the pliers at use i.e., the actual application of the identification device to the animal. Thus, Applicant believes that amended Claim 1 should be allowed as a slightly less restricted form of Claim 3 which the Examiner has already indicated as being allowable. In addition, the method claim 20 has been similarly amended by referring to the storage holder and the step of removing the identification device and storage device from the storage holder. The basis for the restriction to “storage” holder can be found at line 7 of page 5 of the specification. Also, the nature of the disclosure and the drawings clearly indicates that the tray 11 is an embodiment of a storage holder. The remaining dependent claims add further limitations to Claim 1.

Accordingly, Applicant respectfully submits that the rejection of Claims 1-5, 20 and 21 under 35 USC 102(b) as being anticipated by Brem, US 6509187 has been overcome and respectfully requests that the Examiner withdraw the rejection under 35 USC 102(b).

In view of the foregoing, it is submitted that the claims pending for examination, namely claims 1, 3-16, and 18-20 are now in condition for allowance, which early action is requested.

If there are any fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.